

**State Universities Civil Service System
Human Resource Directors Advisory Committee
Agenda**

January 30, 2015

- 1) Welcome and Introductions
- 2) Update on the status of the Police Series Assessment Center Project
- 3) Update on the 'Rule of Three' Demonstration Project and legislative statute change
- 4) Update on the status of the rule change to section 250.50 of the Illinois Administrative Code (Residency)
- 5) Requirements under the Open Meetings Act and Freedom of Information Act
- 6) Other University System Office Activities
 - a) Quarterly Employee Served Data Reporting
 - b) New Written Charges for Discharge and Notice of Demotion forms
 - c) Class Plan Update
 - Deletion of old/unused classes
 - Elimination of typing requirements
 - d) Audit Update
 - e) Legal Update
 - f) Budget Update
- 7) Other Topics
 - ✓ Next meeting date
 - May 1, 2015

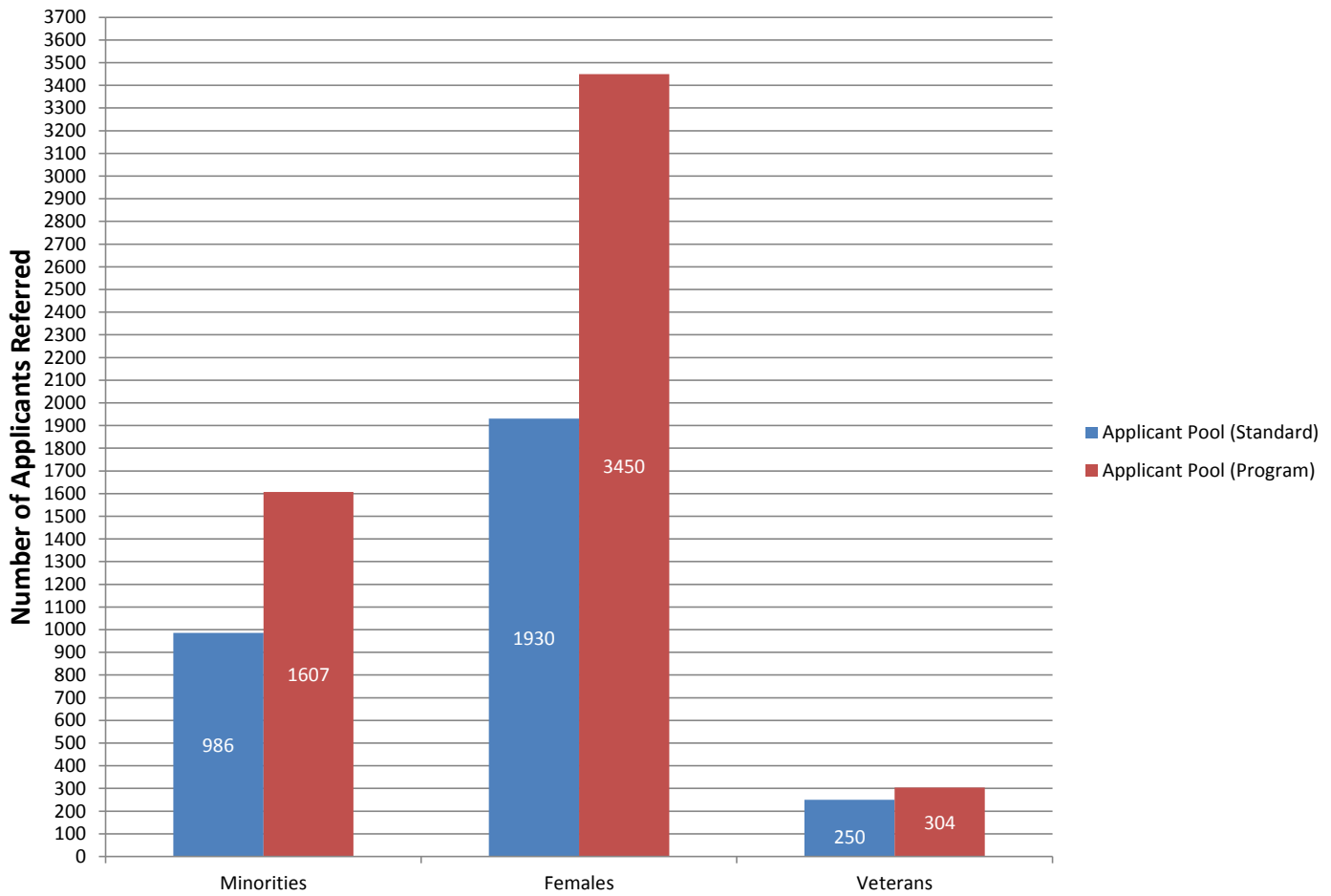
Rule Of Three Demo Data

Totals by Classification

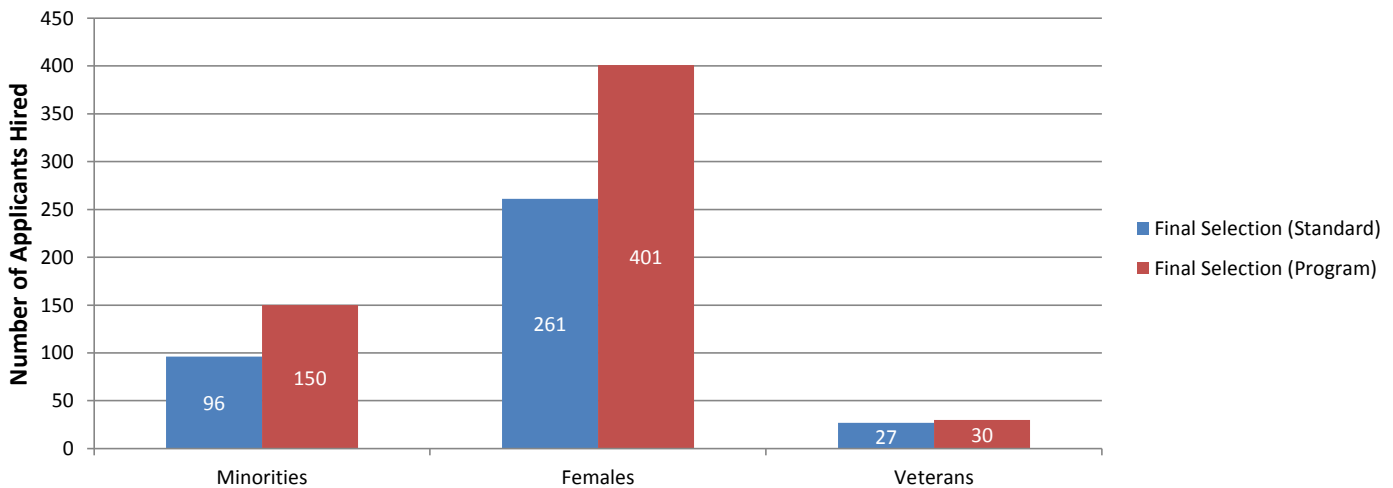
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

Classification Title	No. Pos	Avg SP	Avg PP	Standard Applicant Pool Demographics			Program Applicant Pool Demographics			Final Selection (Standard) Demographics				Final Selection (Program) Demographics			
				Minority	Female	Veteran	Minority	Female	Veteran	Minority	Female	Veteran	Total	Minority	Female	Veteran	Total
Accountant I	8	3.38	3.38	6	17	2	7	17	2	0	5	0	5	2	1	0	2
Accounting Associate	17	5.29	12.29	42	61	12	75	134	11	5	7	0	8	2	5	0	5
Administrative Assistant I	32	5.25	7.78	77	152	6	122	232	6	11	19	0	19	6	13	0	13
Assistant Facilities Manager	2	7.50	26.50	1	0	15	7	6	16	0	0	0	0	0	0	0	0
Assistant Program Director	2	5.50	5.50	8	7	0	8	7	0	0	0	0	0	1	1	0	1
Business/Administrative Associate	139	5.33	14.04	162	456	72	345	1232	76	13	58	3	59	10	52	1	53
Clinic Nurse	71	3.44	4.73	5	229	3	9	312	3	1	56	2	56	1	11	0	12
Grounds Worker	13	3.38	5.00	4	3	5	12	3	8	0	1	3	4	2	1	0	3
Human Resource Associate	44	4.95	10.98	95	181	7	206	380	25	6	14	0	15	10	24	0	25
Information Technology Manager/Administrative Coordinator	10	4.10	4.70	2	4	6	2	6	5	2	0	2	4	0	0	0	0
Information Technology Support Associate	76	4.58	8.67	82	93	27	135	138	41	8	10	3	17	5	5	1	10
Information Technology Technical Associate	143	4.14	5.80	137	127	49	189	183	57	26	30	6	48	6	3	0	7
Medical Assistant	31	3.39	5.19	60	101	5	98	150	5	9	20	1	22	4	8	0	8
Office Support Assistant	33	4.06	5.64	12	117	1	15	157	3	2	22	0	22	2	9	0	9
Police Officer	16	4.75	6.50	6	4	39	10	24	46	2	1	7	8	0	1	1	2
Program/Student Advisor	33	17.36	21.97	287	378	1	367	469	0	11	18	0	21	3	6	0	6
Total	670	5.11	9.10	986	1930	250	1607	3450	304	96	261	27	308	54	140	3	156

Demographics of Applicant Referrals (670 vacancies across 16 classifications)



Demographics of Applicant Hired (670 vacancies across 16 classifications)



99TH GENERAL ASSEMBLY
State of Illinois
2014 and 2015
HB/SB Number

Introduced _____, by _____

SYNOPSIS AS INTRODUCED:

110 ILCS 70/36h

110 ILCS 70/36j

Amends the State Universities Civil Service Act. Makes a change in how applicants are certified from employment registers for vacant positions.

A BILL FOR

HB/SB number

1 AN ACT concerning employment.

2 Be it enacted by the People of the State of Illinois, represented in the General Assembly:

3 Section 70. The State Universities Civil Service Act is amended by changing Sections 36h and 36j as
4 follows:

5 36h. Appointment. (1) Whenever an employer covered by the University System has a position
6 which needs to be filled, this employer shall inform the Executive Director of the Merit Board. The
7 Executive Director shall then certify to the employer the names and addresses of the ~~three~~ persons with
8 the three standing highest scores on the register for the classification to which the position is assigned.

9 The employer shall select one of these persons certified for the position and shall notify the Executive
10 Director of the Merit Board of ~~their~~his selection. If less than three scores ~~names~~ appear on the
11 appropriate register, the Executive Director shall certify the names and addresses of all ~~the person or~~
12 persons on the register. ~~Sex shall be disregarded except when the nature of the position requires~~
13 ~~otherwise.~~

14 (2) All appointments shall be for a probationary period of no less than 6 months and no longer
15 than 12 months for each class of positions in the classification plan, the length of the probationary

1 period for each class having been determined by the Executive Director, except that persons first
2 appointed to any police department of any university or college covered by the University System after
3 the effective date of this amendatory Act of 1979, shall be on probation for 1 year. The service during
4 the probationary period shall be deemed to be a part of the examination. During the probationary
5 period, the employee may be dismissed if the employer determines that the employee has failed to
6 demonstrate the ability and the qualifications necessary to furnish satisfactory service. The employer
7 shall notify the Executive Director in writing of such dismissal. If an employee is not so dismissed during
8 his/her probationary period his/her appointment shall be deemed complete at the end of the period.

9 (3) No person shall be appointed to any police department of any university or college covered by
10 the University System unless he/she possesses a high school diploma or an equivalent high school
11 education, and unless he/she is a person of good character and is not a person who has been convicted
12 of a felony or a crime involving moral turpitude.

13 36j. Promotions. The Merit Board shall by rules provide for promotions on the basis of ability and
14 experience and seniority in service and examination and to provide in all cases where it is practicable
15 that vacancies will be filled by promotion. The Merit Board shall by rule fix lines of promotion from such
16 several offices and places to superior offices or places in all cases where, in the judgment of the Merit
17 Board, the duties of such several positions directly tend to fit the incumbent for a superior position.

18 Employees promoted in the promotional line shall have their seniority for the highest position held
19 on the basis of length of service in that classification. For the next lower classification the employee
20 may add his seniority in the higher classification to that in the lower to determine seniority in the lower
21 classification.

22 Whenever a superior position in the promotional line in the classified civil service under the
23 University System is to be filled, the Executive Director shall certify to the employer, in the order of their
24 seniority, the names and addresses of the ~~three~~ persons with the three standing highest ~~scores on upon~~

Forma

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Forma

Forma

1 the promotional register for the class or grade to which said position belongs. The employer shall
2 appoint one of ~~those, the three~~ persons whose names were certified by the Executive Director. ~~Sex shall~~
3 ~~be disregarded except when the nature of the position requires otherwise.~~ Appointments to superior
4 positions in the promotional line shall be on probation for a period of no less than 6 months and no
5 longer than 12 months for each class of positions in the classification plan, the length of the
6 probationary period having been determined by the Executive Director. Persons so appointed may be
7 demoted at any time during the period of probation, if, in the opinion of the employer, they have failed
8 to demonstrate the ability and the qualifications necessary to furnish satisfactory service, but shall not
9 be discharged from the superior position if they have previously completed a probationary period in an
10 inferior position in the promotional line.

11 Whenever a person is promoted to a superior position in the promotional line prior to the
12 completion of the probationary period in any one of the positions in the classified civil service under the
13 University System, total service in the inferior position and in all such superior positions shall be
14 combined to establish certified status and seniority in the inferior position.

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Forma

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STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.50 Proposed Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: The primary changes to this section of the Code is to allow an expanded pool of candidates for professional positions, consistent with the current employment and occupational trends associated with certain positions, while still requiring specific residency components to be met upon placement into one of these positions. This proposed rulemaking will allow the universities and agencies under the State Universities Civil Service System to consider applicants outside of the state of Illinois for professional, semi-professional, and managerial classifications. This proposed rulemaking will also provide examination accommodation guidelines and a more specific process to close testing for specific classifications when employment registers are sufficient.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None.
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Does this proposed rulemaking contain incorporations by reference? No.
- 10) Are there any other proposed amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: This proposed amendment will not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication to the Illinois Register:

Mari Martinelli

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STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The agency did not anticipate this rulemaking.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. _____, effective _____.

Section 250.50 Examinations

- a) Kinds of Examinations. Examinations shall be of two kinds: original entry and promotional. Both kinds shall be open and continuous competitive examinations. For the purpose of this section, an original entry and a promotional examination shall be considered to be one and the same examination.
- b) Eligibility to Compete in Examinations
 - 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to the examination. For classes requiring valid licenses or certificates, an applicant must show possession of the license or certificate at, or prior to, time of taking the examination. Out-of-state applicants may also be admitted for examination in accordance with conditions outlined in subsection (b)(6).
 - 2) A promotional examination shall be open to a status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position.
 - 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications that in the opinion of the Executive Director are considered to be compensatory, shall be admitted

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to the examination for the class. The names of all applicants who pass the examination shall be placed on the appropriate register in order of score.

- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) In accordance with the Americans with Disability Act (ADA), any applicant with a recognized disability may receive an accommodation for any examination maintained by the University System. Such accommodations are to be administered in coordination with requirements contained in the ADA, the State Universities Civil Service Act [110 ILCS 70] and Code, and other applicable policies at each employment location.~~An applicant with a physical handicap who fails a section or sections of an original entry examination because of circumstances directly related to the handicap, who is subsequently employed in the absence of a register, may, after six months of satisfactory service, upon recommendation of an employer and written approval of the Executive Director, be declared exempt from qualifying on the failed section or sections of the examination, in which case he/she shall become a status employee in the position in which he/she has been employed or in another position in the same class.~~
- 6) For classes within the professional, semi-professional, or managerial occupational areas requiring highly technical or professional qualifications for which a broader recruitment base is typically applied, out-of-state residents may be admitted to the examination and equally considered~~there is an inadequate supply of qualified applicants who are citizens of, or residents in, the State of Illinois, out of state residents may be admitted to the examination. In these instances when~~ When the Illinois citizenship or residency requirement is waived, out-of state candidates must establish Illinois residency within 90 calendar days of any employment offer or final appointment in state candidates shall be listed on the register ahead of out of state candidates.

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- 7) Any applicant may rewrite an examination for a class three times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.

~~A) — For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.~~

~~B) — The limitations of this Section do not apply to an applicant who fails the typewriting and transcribing sections of an examination.~~

- c) Rejection or Disqualification of Applicants. The employer may reject any applicant; or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the State Universities Civil Service Act [110 ILCS 70/36f] and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, abuses intoxicating substances~~beverages to excess~~, uses illegal drugs or narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment by an employer under the University System, has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense that in the judgment of the Executive Director disqualifies him/her for employment.

- d) Character of Examinations

- 1) Examinations shall consist of one or more of the following: written test; performance test; oral test; physical test; aptitude test; practical test; other appropriate tests; a rating of experience and training.
- 2) All examination content shall be provided by the staff of the University System.
- 3) All examination supplies and materials and all examinations are the property of the University System.
- 4) An original entry or promotional examination may be revised, with the approval of the Executive Director, without affecting existing original

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entry or promotional registers for the class, providing the revision does not change the character or weighting of sections of the examination.

- 5) Upon approval of the Executive Director, the ~~The~~ character or weighting of sections of an original entry or promotional examination may be changed, ~~with the approval of the Executive Director, provided providing that~~ there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument; and ~~providing, further, that the character or weighting of the current~~ examination has been in use for a period of at least one year; ~~At least 30 calendar and providing, further, that 45~~ days advance notice of the change shall be given to all appropriate employers who shall then communicate the notice in writing to each candidate ~~then~~ on an original entry or promotional register by score and shall further communicate the notice in writing to any applicant who applies for an original entry or promotional examination during the ~~3045~~-day notice period. During the ~~3045~~-day notice period, qualified applicants ~~and (including candidates whose names are already on the register by score), at their request,~~ will be scheduled for the examination upon his/her request. At the end of the ~~3045~~-day period the previous original entry register or promotional registers of candidates by score will be voided, and a new original entry register or promotional registers by score shall be established on the basis of the new examination.

e) Administration of Examinations:

- 1) As approved by the Executive Director, examinations shall be scheduled and administered by the employer. The examinations shall be conducted on an open and continuous basis; Upon request by the employer and approval by the Executive Director, except for examinations to original entry registers at each place of employment; may be closed up to six calendar months when as requested by the employer and approved by the Executive Director, that have a sufficient number of candidates on the register has been established and that preclude further recruitment and testing is not required for a period of time.
- 2) In making the a determination to close reopen (or close) an original entry examination, the Executive Director will consider requests by the employer ~~or other individuals~~ based on the number of positions in the class, projected new positions, and annual turnover rate. ~~Also, for~~

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~~examinations that have been closed for six months or more, the Executive Director will review the need for continuing the approval of a closed examination.~~ The employer shall be responsible for the security of all examination materials in the employer's custody, and access to any electronic examination process, as provided ~~supplied~~ to the employer by the University System ~~so long as they are in the employer's custody.~~

f) Rating of Examinations

- 1) The Executive Director and the staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
- 2) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examination. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum acceptable rating.
- 3) The passing score for eligibility for certification shall be determined by the Executive Director. This score shall be the same for all examinations given for a class, but it may be changed if, in the judgment of the Executive Director, the change is for the best interest of the University System, and the change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
- 4) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
- 5) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded off to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.

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g) Notification and Review of Scores

- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
- 2) All requests ~~by~~ applicants for formal review of examination scores shall be submitted ~~made~~ to the Executive Director.

h) Filing of Examination Records. All examinations, and all examination components, administered by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

1717 Philo Road, suite 24
Urbana, Illinois 61802-6099
Phone: 217/278-3150
Fax: 217/278-3159



Please mark appropriate Box

- ☐ COPY 1 – Merit Board (*University System Office*)
☐ COPY 2 – Employee
☐ COPY 3 – Employer
☐ COPY 4 – Employer Legal Counsel

NOTICE OF DEMOTION

Employee Information

TO: _____
Name _____ Home/Cell Phone Number _____

Address – Street and Number _____ Home e-mail address (*if known*) _____

City _____ State _____ Zip Code _____

Please be informed that you are hereby being demoted from the following position:

Civil Service Classification and Number _____
Place of Employment _____
Department/College _____

You will subsequently be placed into the following position:

Civil Service Classification and Number _____
Place of Employment _____
Department/College _____

The undersigned Employer hereby sets forth the reasons and causes for demotion below.

- 1.
- 2.
- 3.
- 4.
- 5.

Dated this _____ day of _____, 20_____.

Employer

By: _____ Title _____
DER's Signature

NOTE: When printing form, please print on both sides

Notice to Employee – The effective date of demotion shall be the date of personal service of the Notice of Demotion upon the employee as indicated below, or the postmark date if notified by certified mail or overnight delivery. Your rights relating to an opportunity to be heard in your own defense are determined by Section 360 of the State Universities Civil Service Act (110 ILCS 70/360) and section 250.110(g) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.110(g)). See attached section 250.110(g) of the Code. *If you desire to present a defense or otherwise contest your demotion, you are required to submit a written request to the Secretary for the Merit Board within 15 calendar days from the date that you are personally served as indicated below, or within 15 calendar days from the date of the postmark if you have been notified by certified mail or overnight delivery. Please submit your intent to contest your demotion to the following: State Universities Civil Service System Office, 1717 Philo Road, Suite 24, Urbana, Illinois 61802-6099 or by fax to 217/278-3150 or by email to hearingrequest@succs.illinois.gov. For further assistance or information, you may also contact the State Universities Civil Service System at 217/278-3150.*

PROOF OF SERVICE ON EMPLOYEE

The undersigned hereby certifies that at _____'clock _____ M. on the _____ day of _____, 20_____, the employee named in this **NOTICE OF DEMOTION** was served by

☐ personal service by _____.

☐ certified mail by depositing the same in the United States mail at _____, Illinois or by overnight delivery that requires signature upon receipt in an envelope with postage fully prepaid and addressed to said employee as stated in said **NOTICE OF DEMOTION**, which is hereby certified to be the last known address of said employee.

Name (typed or printed), Title

Signature

Section 36o of the State Universities Civil Service Act (110 ILCS 70/36o)

Demotion, removal, and discharge.] After the completion of his or her probationary period, no employee shall be demoted, removed or discharged except for just cause, upon written charges, and after an opportunity to be heard in his or her own defense if he or she makes a written request for a hearing to the Merit Board within 15 days after the serving of the written charges upon him or her. Upon the filing of such a request for a hearing, the Merit Board shall grant such hearing to be held within 45 days from the date of the service of the demotion, removal or discharge notice by a hearing board or hearing officer appointed by the Merit Board. The members of the hearing board or the hearing officer shall be selected from among the members of a panel established by the Merit Board after consultation with the Advisory Committee provided in Section 36c. The hearing board or hearing officer shall make and render findings of fact on the charges and transmit to the Merit Board a transcript of the evidence along with the hearing board's or hearing officer's findings of fact. The findings of the hearing board or hearing officer when approved by the Merit Board shall be certified to the employer. If cause for demotion, removal or discharge is found, the employee shall be immediately separated from the service. If cause is not found, the employee shall forthwith be reassigned to perform the duties of a position in his or her classification without loss of compensation. In the course of the hearing, the Director of the Merit Board shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books and papers relevant to the inquiry.

The provision of the Administrative Review Law and all amendments and modification thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit Board hereby created. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 250.110(g) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(g))

g) Demotion

- 1) Any of the actions described in this subsection (g)(1) is considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:
 - A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
 - B) is subject to a reduction in percentage of time worked;
 - C) is appointed to a position in a lower class in a promotional line;
 - D) is appointed to a position in a class outside a promotional line with a lower pay potential;
 - E) is given a nonstatus appointment.
- 2) None of the actions described in subsection (g)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.
 - A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the

date of certification to his/her most recent position.

- B) Without the evidence indicated in subsection (g)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.
- 3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.
- 4) An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of the Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (f).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion.
- 5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The employee must pass the examination as a condition to retaining his/her appointment.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

1717 Philo Road, suite 24
Urbana, Illinois 61802-6099
Phone: 217/278-3150
Fax: 217/278-3159



Please mark appropriate Box

- ☐ COPY 1 – Merit Board (*University System Office*)
☐ COPY 2 – Employee
☐ COPY 3 – Employer
☐ COPY 4 – Employer Legal Counsel

WRITTEN CHARGES FOR DISCHARGE

Employee Information

TO: _____
Name _____ Home/Cell Phone Number _____

Address – Street and Number _____ Home e-mail address (*if known*) _____

City _____ State _____ Zip Code _____

Civil Service Class: _____ CS Position Number _____

Place of Employment: _____

The undersigned employer hereby makes specific and factual Written Charges for Discharge against the above named employee in separately numbered charges; include the dates, names of persons, places, and facts necessary to properly allege cause for discharge as follows: (Please make reference to any additional sheets or attachments.) Please list charges numerical.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Dated this _____ day of _____, 20 _____.

Employer

By: _____ Title _____

DER's Signature

NOTE: When printing form, please print on both sides

(over)

NOTICE TO EMPLOYEE: The effective date of discharge and your rights relating to an opportunity to be heard in your own defense are determined by the Section 360 of the State Universities Civil Service Act (110 ILCS 70/360) and section 250.110(f) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.110(f)). (See attached section 250.110(f) of the Code.) ***If you desire to present a defense or otherwise contest your discharge, you are required to submit a written request to the Secretary for the Merit Board within 15 calendar days from the date that you are personally served, or within 15 calendar days from the date of the postmark if you have been notified by certified mail or by overnight delivery. Please submit your intent to contest your discharge to the following: State Universities Civil Service System Office, 1717 Philo Road, Suite 24, Urbana, Illinois 61802-6099 or by fax to 217/278-3159 or by email to hearingrequest@sucss.illinois.gov. For further assistance or information you may also contact the State Universities Civil Service System at 217/278-3150.***

PROOF OF SERVICE ON EMPLOYEE

The undersigned hereby certifies that at _____'clock _____M. on the _____ day of _____, 20_____, the employee named in this **WRITTEN CHARGES FOR DISCHARGE** was served by

[] personal service by _____.

[] certified mail by depositing the same in the United States mail at _____, Illinois or by overnight delivery that requires signature upon receipt in an envelope with postage fully prepaid and addressed to said employee as stated in said **WRITTEN CHARGES FOR DISCHARGE**, which is hereby certified to be the last known address of said employee.

Name (typed or printed), Title

Signature

Section 360 of the State Universities Civil Service Act (110 ILCS 70/360)

Sec. 360. Demotion, removal, and discharge.] After the completion of his or her probationary period, no employee shall be demoted, removed or discharged except for just cause, upon written charges, and after an opportunity to be heard in his or her own defense if he or she makes a written request for a hearing to the Merit Board within 15 days after the serving of the written charges upon him or her. Upon the filing of such a request for a hearing, the Merit Board shall grant such hearing to be held within 45 days from the date of the service of the demotion, removal or discharge notice by a hearing board or hearing officer appointed by the Merit Board. The members of the hearing board or the hearing officer shall be selected from among the members of a panel established by the Merit Board after consultation with the Advisory Committee provided in Section 36c. The hearing board or hearing officer shall make and render findings of fact on the charges and transmit to the Merit Board a transcript of the evidence along with the hearing board's or hearing officer's findings of fact. The findings of the hearing board or hearing officer when approved by the Merit Board shall be certified to the employer. If cause for demotion, removal or discharge is found, the employee shall be immediately separated from the service. If cause is not found, the employee shall forthwith be reassigned to perform the duties of a position in his or her classification without loss of compensation. In the course of the hearing, the Director of the Merit Board shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books and papers relevant to the inquiry.

The provision of the Administrative Review Law and all amendments and modification thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit Board hereby created. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 250.110(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(f))

f) Discharge Proceedings and Effective Date of Discharge

1) Pre-discharge Proceedings

A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, by certified mail or by overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:

- i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and
- ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (f)(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.

B) Employer's Decision

- i) Within 7 work days after compliance with the provisions of subsection (f)(1)(A), the employer shall either:
 - notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
 - initiate proceedings before the Merit Board under this subsection (f) seeking discharge of the employee based solely on the matters contained in the employer's notification.
- ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (e) or some lesser penalty.

C) An employee who has been served with an employer's notification as provided in subsection (f)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (f)(1) to provide the employer an

opportunity to investigate serious charges.

2) Actual Discharge Proceedings

- A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer filing Written Charges for Discharge with the Merit Board setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge shall be set forth in separately numbered charges. The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.
- B) The Written Charges for Discharge shall be accompanied with a certification by the employer that all procedures set forth in subsection (f)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.
- C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board.
- D) An employee who has been served with Written Charges for Discharge in accordance with subsections (f)(2)(A) and (B) may be suspended without pay by the employer during all or any part of the period that the discharge proceeding is pending, and until final disposition, if the employer is of the opinion that the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on employer's operations. Any suspension without pay shall become effective on the date the employer serves the Suspension Notice Pending Discharge upon the employee, which may be served with the Written Charges for Discharge or on any date thereafter. Service shall be upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file with the Merit Board a copy of the Suspension Notice Pending Discharge and proof of service.

3) Hearing Request

- A) An employee who has been served with Written Charges for Discharge may request a hearing by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days after the date of personal delivery or mailing of the Written Charges for Discharge to the employee. The Secretary for the Merit Board shall immediately notify the employer of the filing of the written request by the employee. Thereafter, further proceedings shall be as provided in this subsection (f) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.
- B) If the employee does not file a written request for hearing with the Secretary for the Merit Board within 15 calendar days, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

- A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (f)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than three hearing days, unless justice, due process, and fundamental fairness require

otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.

- B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.
- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.
- D) Upon certification by the Executive Director, the Secretary for the Merit Board shall, by certified mail or by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.
- E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days after the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

- A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:
 - i) defining and simplification of the issues;
 - ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
 - iii) reviewing each party's witness and exhibit list;
 - iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;
 - v) determining the length of time each party will need to present its case;
 - vi) exchanging exhibits; and
 - vii) discussing any matter that may aid in the efficient and timely disposition of the case.

- B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.

6) Order of Hearing

- A) The Executive Director, or authorized representative, shall open and convene the hearing.
- B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.
- C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.
- D) The employer shall first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's witnesses. The employee may be called as an adverse witness during the course of the hearing.
- E) The employee shall then present his/her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.
- F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.
- G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.
- H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
- I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

7) Evidence and Motions

- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
- B) All testimony shall be presented under oath or affirmation. Objections to testimony or evidentiary offers shall be noted in the record. Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.
- C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
- D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.
- E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.

- F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days after the date of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.
- G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.
- 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.
- 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
- 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:
 - A) The name and address of the witnesses sought;
 - B) Any specific documents the witnesses will be required to bring; and
 - C) A brief statement of the relevant facts or testimony that the witnesses will be providing.
- 11) Request for Documents. Prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:
 - A) A list of the names and addresses of the witnesses the party proposes to call; and
 - B) All documents the party proposes to offer in its case-in-chief.
- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.
- 13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.
- 14) Ex Parte Communications
 - A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.
 - B) Communications regarding procedure, including interpretation and application of Section 360 of the State Universities Civil

Service Act, subsection (f), and related procedures are not considered ex parte communications.

- 15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
 - A) Conduct the pre-hearing conference;
 - B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
 - C) Establish reasonable limits on the duration of witness testimony;
 - D) Limit repetitive or cumulative testimony;
 - E) Rule on motions, objections or evidentiary questions;
 - F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);
 - G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
 - H) Prepare a signed findings of fact within 15 calendar days after receipt of the transcript of the hearing proceedings to be transmitted to the Merit Board. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and
 - I) Enter any order that further carries out the purpose of this Section.
- 16) Final Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in subsection (f)(16)(A) and (B) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:
 - A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or
 - B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:
 - i) Reinstatement with no loss of compensation when none of the significant charges are proven.
 - ii) Reinstatement with a 60-day suspension when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a 60-day suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the 60-day suspension.
- 17) Final Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee by certified mail or by overnight delivery that requires signature upon receipt.
- 18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after the date that a copy of the final Merit Board decision has been served upon the party affected. A final decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/her last known residence or place of business.

19) Time Period Proceedings

- A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (f) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.
 - B) No extension may be beyond a period established by statute, except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his or her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or **criminal** indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.
 - C) The time periods set forth in this subsection (f), except for the 15-day period set forth in subsection (f)(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (f), except for the 15-day period set forth in subsection (f)(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.
 - D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.
- 20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct that violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.
- 21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director.